

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

M ² CONSULTING, INC.,)
)
)
Plaintiff,)
)
v.) Case No. 03-12589-GAO
)
)
MRO SOFTWARE, INC.,)
)
)
Defendant.)
)

PLAINTIFF'S MOTION FOR LEAVE TO FILE RESPONSE TO REPLY OF THE
DEFENDANT TO THE PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR
PRELIMINARY INJUNCTION

Pursuant to Local Rule 7.1(B)(3), Plaintiff, M2 Consulting, Inc. (“M2”) respectfully moves for leave to file the Response submitted herewith in support of its Opposition to the Motion of the Defendant, MRO software, Inc. (“MRO”) for Preliminary Injunction (M2’s Opposition”).

Counsel for the parties have conferred regarding this motion and MRO’s attorney has agreed not to oppose this motion.

MRO has filed a Reply to M2’s Opposition to MRO’s Motion for Preliminary Injunction (“MRO’s Reply”). In its Reply, MRO has heavily briefed the issue of the degree to which a central contract necessary for resolution of MRO’s request for preliminary injunctive relief is void because M2’s execution of that agreement was procured by fraud. MRO did not brief this issue in its request for injunctive relief, and consequently M2 did not address the substantial factual record and legal authority in support of its position in its Opposition. Because MRO has

heavily briefed this issue in its Reply, the instant Response is necessary in order for the Court to be fully informed of the scope and breadth of the factual record and legal precedent applicable to MRO's position that the central contract is an acceptable basis for the issuance of injunctive relief, and M2's claim that the contract upon which MRO's request for injunctive relief relies is void.

Accordingly, this Motion should be allowed and M2's Response, filed simultaneously herewith should be deemed filed with the Court.

M2 Consulting, Inc.
By its Attorneys
Fee, Rosse & Lanz, P.C.

/s/ Michael C. Fee
Michael C. Fee, Esq. (BBO NO. 552796)
Mark S. Resnick, Esq. (BBO NO. 559885)
Fee, Rosse & Lanz, P.C.
321 Boston Post Road
Sudbury, MA 01776
(978) 440-7000

Counsel:

John M. Teitler
Teitler & Teitler
1114 Avenue of the Americas
New York, NY 10036
Tel. (212) 997-4400

March 15, 2006

Local Rule 7.1 Certificate of Compliance

Counsel for M2 Consulting, Inc. hereby certify that, in March, 2006, pursuant to Rule 7.1(A)(2) of the Local Rules, they conferred with counsel for MRO Software, Inc. regarding the attached Motion and Response Brief and have attempted in good faith to resolve or narrow the issues presented.

/s/ Michael C. Fee

CERTIFICATE OF SERVICE

I, Michael C. Fee, hereby certify that Plaintiff's Opposition to Defendant/Plaintiff-in-Counterclaim's Motion to Compel Discovery was served upon the Defendant, by mailing this opposition, first class mail and by telecopier to Lee Gesmer, Esq., Gesmer Updegrafe LLC, 40 Broad Street, Boston, MA 02109, on March 15, 2006.

/s/ Michael C. Fee